

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Serial No. 76400991

For the Mark "420"

Published for Opposition on 05-06-03

06-05-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

John Marvin Rowland

V.

Trans-High Corporation, Inc.

NOTICE OF OPPOSITION

John Marvin Rowland d.b.a. 420 inc., d.b.a. 420 Eyewear, d.b.a. 420 Boards,
a California Corporation, mailing address 1442 E. Lincoln Ave. # 194, Orange,
California 92865.

The above-identified opposer, John Marvin Rowland believes that he / and
the 420 inc. Corporation will be damaged by the registration of the mark shown
in the above-identified application, and hereby oppose the same.

The grounds for opposition are as follows:

1. The Opposer is the Federal Registration holder for the Mark 420, for Class 09 (U.S. Reg. No. 2,102,893), and for Class 25 (U.S. Reg. No. 2,105,217) for words, letters and/or numbers in stylized form. The Opposer has been using the 420 Mark in commerce since 1993 for his 420 Branded Merchandise.
2. The Respondent has previously attempted to register the Mark "420" in several classes including 25 with the USPTO, which was refused by the USPTO and their examining attorney on the basis of the likelihood of confusion with the opposer's registered Mark "420".
3. The Opposer has filed a petition with the National Arbitration Forum to have the domain name 420.com transferred from the Respondent to the Opposer.
4. The Respondent has also been served on by counsel for the Opposer, a cease and desist letter regarding the sale of 420 branded merchandise on the Respondent's domain 420.com which were in class 25.

5. The Respondent's usage of the site 420.com is not what is stated in the Respondent's application for registration with the USPTO. In the Respondent's application for a trademark for the Mark "420.com", the Respondent clearly states that the services provided within this domain would be Electronic mail services, not for the sale of merchandise in the class 25 which bear the Opposer's registered Mark "420".

6. The Respondent, on the domain 420.com has repeatedly discredited and tarnished the Opposer's reputation by making claims that the Opposer and it's Corporation are "Trademark scam artists", and asked visitors of the site leave feedback or e-mail the article to a friend. The Respondent's use of the domain name in this matter tarnishes the goodwill that the Opposer has cultivated in his mark. Tarnishment occurs where the defendant creates unfavorable associations with the mark in the minds of the consumer by using the mark in an unwholesome or unsavory context.

7. The application for this domain name should be considered as trying to register and being used in bad faith for the reasons articulated in the ICANN Policy. Respondent has offered to sell merchandise and banner advertisement under this domain and has intentionally attempted to attract, for commercial gain, Internet users to Respondent's web site by creating the likelihood of confusion with the Opposer's mark as to the location of the Opposer's services on the Internet.

Dated: Orange, California
June, 2 2003

420, Inc.

By: 

John M. Rowland
President and CEO

To: Cowan, Liebowitz & Latman, P.C.
Kieran G. Doyle
Attorney for the Respondent Trans-High Corporation
1133 Avenue of the Americas
New York, NY 10036-6799

By: Michelle R. Rowland
Michelle Renee Rowland
Vice President

PROBATION

Probation is a period of time during which a person is supervised by a probation officer. It is a way of punishing a person who has committed a crime, but who is not considered dangerous enough to be sent to prison. Probation is usually given to people who have committed minor crimes, such as theft or driving without a license. It is also given to people who have committed more serious crimes, but who have no previous criminal record. Probation is usually for a period of one to three years. During this time, the person must follow certain rules, such as reporting to the probation officer, staying out of trouble, and not drinking alcohol. If the person breaks any of these rules, they may be sent to prison.

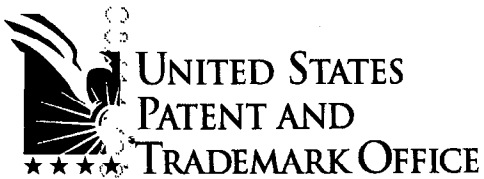
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Commissioner for Trademarks
2900 Crystal Drive
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www.uspto.gov

Date: 7/03/03

Serial Number: 76400991

We are returning the enclosed check because the fee is insufficient. Attached is a schedule of our fees. Additional information is available on our website at www.USPTO.gov. If you have any additional questions, please do not hesitate to contact the examining attorney assigned to your case file, or you may call the Trademark Assistance Center at 703-308-9000.

The papers submitted with your check will be placed in your case file.